## RECEIVED CENTRAL FAX CENTER

MAR 2 1 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/652,019

Confirmation No. 9672

Applicant

Gregory R. Gingera

Filed

08/29/2003

TC/A.U.

1638

Examiner

Kruse, David H.

Docket No.

1213EC

Customer No.

27310

Title

Herbicide Tolerant Brassica Juncea and Method of

Production

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## FILING OF AN INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97

Attached is a list of documents on form PTO-1449.

It is requested that the Examiner consider these documents and officially make them of record in accordance with the provisions of 37 CFR §1.97 and Section 609 of the MPEP. By submitting the listed documents, Applicant in no way makes any admission as to the prior art status of the listed documents, but is instead submitting the listed documents for the sake of full disclosure.

Any foreign patents or non-patent literature documents are attached except those that were supplied in, or cited by the Office during prosecution of, parent Application No. 09/522,798, filed March 10, 2000. Since the benefit of this application was claimed under 35 USC 120, no copies need to be furnished in accordance with 37 CFR §1.98(d); however, copies will be furnished on request.

Serial No. 11/116,736 Attorney Docket No. 1271D

This IDS is being refiled to correct the format of the Form PTO-1449 filed August 29, 2003, and therefore, it is not certain if a fee is due. If a fee is due, please consider this authorization to charge the \$180.00 fee specified in 37 CFR §1.17(p) to Deposit Account 16-1852.

Please charge any additional fees under 37 CFR §1.16 or §1.17 which may be required by this paper, or credit any overpayment to the indicated Deposit Account.

Respectfully submitted,

Marianne H. Michel
Attorney for Applicant(s)
Registration No. 35,286

PIONEER HI-BRED INTERNATIONAL, INC. Corporate Intellectual Property 7250 N.W. 62<sup>nd</sup> Avenue P.O. Box 0552 Johnston, Iowa 50131-0552 Phone: (515) 334-4467 Facsimile: (515) 334-6883

PTO/\$B/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons a Substitute for form 1449A/PTO			ction Act of 1995, no persons	are required to respond to a collection of information unless it contains a valid OMB control number  Complete if Known		
Substitute for form 1449/VP10				Application Number	10/652,019	
INFORMATION DISCLOSURE				Filing Date	08/29/2003	
STATEMENT BY APPLICANT				First Named Inventor	Gregory R. Glngera	
JIA	STATEMENT DI ALI LIGARI			Art Unit	1638	
(Use as many sheets as necessary)			necessary)	Examiner Name	Kruse, David H.	
Sheet	T1	of	3	Attorney Docket Number	1213EC	

	U.S. PATENT DOCUMENTS					
Examiner	Çita No.	Document Number	Publication Cate MM-DD-YYYY	Name of Puteriles or Applicant of Cited Document	Pagns, Columns, Lines, Whore Relevant Passages or Relevant	
lnitials *	No.	Number - Kind Code <sup>2</sup> (if known)	MM-DU-TYTT		Figures Appoar	
	A1	US- 5,545,821	08/13/1996	Wong et al.		
	A2	US- 5,387,758	02/07/1995	Wong et al.		
	A3	US- 5,773,702	06/30/1998	Penner et al.		
	A4	US- 5,767,368	06/16/1998	Sathasivan et al.		
		US-				
		US-				
		US-				
		US-		.,		
		US-				
		US-	****			
	T	US-	A			
		US-				
		US-				
	1	U\$-				
		บร์				
		US-				
		US-				
		US-				
		US-				
	1	us-				

FOREIGN PATENT DOCUMENTS						
Examiner	Cite	Foreign Patent Document	Publication  Date  MM-DO-YYYY	Name of Patentag or Applicant of Cited	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	,
Initials	No.1	Country Code <sup>3</sup> - Number <sup>a</sup> - Kind Code <sup>5</sup> (8 known)		Document		
						<del></del>
						<b>†</b>
,						$\vdash$
	<del> </del>					
	<del>                                     </del>					
	<b>†</b>					

		 ****
Examiner Signature	Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered, include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). 'Soc Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. 'Senter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 'For Usptanese patent documents, the indication of the year of the reign of the Emperor must precede the senial number of the patent document. 'Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.' Applicant is to place a check mark here if English language Translation is statished.

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the LSPTO to process) an application, Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, uSPTO to process) an application, confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, uscluding gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for roducing this burdon, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

REST AVAILABLE COPY

PTO/SB/08B(07-05) Approved for use through 07/31/2006, OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unicss it contains a valid OMB control number

Complete if Known		
Application Number	10/652,019	
Filing Date	08/29/2003	
First Named Inventor	Gregory R. Gingera	
Art Unit	1638	
Examiner Name	Kruse, David H.	
Attorney Docket Number	1213EC	
	Application Number Filing Date First Named Inventor Art Unit Examiner Name	

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Τ²		
India	A5	MIKI et al., Transformation of <i>Brassica napus</i> canola cultivars with Arabidopsis thaliana acetohydroxyacid synthase genes and analysis of herbicide resistance, Theor. and Appl. Genet. (1990) 80:449-458.			
	AG	SWANSON et al., The characterization of herbicide tolerant plants in <i>Brassica napus</i> L. after in vitro selection of microspores and protoplasts, Plant Cell Reports (1988) 7:83-87.	•		
	A7	RUTLEDGE et al., Molecular characterization and genetic origin of the <i>Brassica napus</i> acetohydroxyacid synthase multigene family, Mol. Gen. Genet. (1991) 229:31-40.			
· <u>-</u>	8A	QUELLET et al., Members of the acetohydroxyacid synthase multigene family of Brassica napus have divergent patterns of expression, The Plant Journal (1992) 2(3):321-330.			
	A9	HATTORI et al., DNA sequence relationships and origins of acetohydroxy acid synthase genes of Brassica napus, Can. J. Bot. (1992) 70:1957-1963.			
	A1	SWANSON et al., Microspore mutagenesis and selection; Canola plants with field tolerance to the imidazolinones, Theor, Appl. Genet. (1989) 78:525-530.			
	A11	NEWHOUSE et al., Tolerance to Imidezolinone Herbleides in Wheat, Plant Physiol. (1992) 100:882-886.			
	A12	SPRAGUE et al., Common Cocklebur (Xanthium strumarium) Resistance to Selected ALS-Inhibiting Herbicides, Weed Technology (1997) 11:241-247.			
<del>/111</del>	A13	WRIGHT et al., In vitro and whole-plant magnitude and cross-resistance characterization of two imidazolinone- resistant sugarbeet ( <i>Beta vulgaris</i> ) somatic cell selections, Weed Science (1998) 46:24-29.			
	A14	SEEFELDT et al., Production of herbicide-resistant joi/ted goatgrass (Aegilops cylindrical) X wheat (Triticum aestivum) hybrids in the field by natural hybridizationm. Weed Science (1998) 46:632-634.			
	A15	HARMS et al., Heroicide resistance due to amplification of a mutant acetohydroxyacid synthase gene. Mol. Gen. Genet. (1992) 233:427-435.			

Examiner Signature		Date Considered	
C.g	,		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*Applicant's unique citation designation number (optional). \*Applicant is to place a check mark here if English tanguage Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 1450.

PTO/SB/08B(07-05) Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Complete if Known Substitute for form 1449B/PTQ Application Number 10/652,019 INFORMATION DISCLOSURE 08/29/2003 Filing Date STATEMENT BY APPLICANT Gregory R. Gingera First Named Inventor 1638 Art Unit Kruse, David H. Examiner Name (Use as many sheets as necessary) Attorney Docket Number 1213EC of 3 Sheet

		NON PATENT LITERATURE DOCUMENTS	
Examiner	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Τ²
muais	A16	LEE et al., The molecular basis of sulfonylurea herbicide resistance tobacco, The EMBO Journal (1988) 7(5):1241-1248.	
	A17	LOVELL et al., Imidazolinone and Sulfonylurea Resistance in a Blotype of Common Waterhomp, Weed Science (1996) 44:789-794.	
	A18	FQES et al., A kochia (Kochia scoparia) biotype resistant to triazine and ALS-inhibiting herbicides, Weed Science (1999) 47:20-27.	
	A19	BING, D. J., Potential of Gene Transfer Among Oilseed Brassica and Their Weedy Relatives, Master's Thosis Work, University of Saskatchewan College of Graduate Studies and Research (1991)	
	A20	NEWHOUSE et al., Genetic Modification of Crop Research, American Chemical Society Symposium Series Managing Resistance to Agrochemicals (1988) 421:474-481.	

Examiner	Date Consid	lered	
Signature			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, Draw line through citation in not in conformance and not considered, include copy of this form with next communication to applicant.

\*Applicant's unique citation designation number (optional), \*Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, and the process of the chief case. 1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.